

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1, 25-2, AND 25-5 TO ESTABLISH REQUIREMENTS FOR TENANT NOTIFICATION AND TENANT RELOCATION ASSISTANCE FOR CERTAIN PROJECTS IMPACTING MULTI-FAMILY AND MOBILE HOME OCCUPANCIES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The city council makes the following legislative findings:

- (A) The rapid pace of development and redevelopment in the City of Austin has substantially reduced, and continues to reduce, the available supply of rental housing affordable to low-and moderate-income tenants. Replacement of low-income units has not occurred at a rate sufficient to mitigate the loss of affordable units due to demolition, redevelopment, and change in the use of existing multi-family buildings.
- (B) To the extent that low-income tenants displaced by development are eventually able to find affordable units in the City of Austin, the time and cost associated with relocation have increased substantially. These impacts are destabilizing to some of Austin’s most vulnerable populations, including low-income families and individuals; single parents and families of school-aged children; and residents over the age of 65, on fixed incomes, or with disabilities.
- (C) The financial, social, and public health impacts of rental displacement caused by demolition or redevelopment are well-documented, both nationally and in the Austin market.
- (D) Several public hearings and stakeholder meetings have been held in connection with rental displacement, beginning with Council’s adoption of Resolution No. 20121108-05 and continuing with the adoption of Resolution No. 20151112-027 and Resolution No. 20160421-035.
- (E) Based on evidence gathered by NHCD and other stakeholders, the City Council finds that costs incurred by displaced tenants to relocate within Austin—including physical moving costs, advance payments, utility fees, security

1 deposits, and additional rental costs—result in a substantial burden to displaced  
2 tenants, which in turn has broader communitywide impacts.

3 (F) Conditions in the current rental market, with historically low occupancy rates,  
4 have created a relocation crisis because tenants, particularly at lower incomes,  
5 do not have sufficient time to save money for relocation costs or to find  
6 comparable housing when they are displaced as a result of demolition or  
7 redevelopment.

8 (G) Many cities across the nation have begun requiring or incentivizing projects that  
9 will displace existing tenant communities to provide relocation assistance and  
10 to notify tenants well in advance of planned demolitions or development. While  
11 none of these programs are sufficient to fully address the problem of tenant  
12 displacement, each of them has helped to mitigate the impacts of forced  
13 relocation on low income renters.

14  
15 **PART 2.** City Code Chapter 25-1, Article 15 (*S.M.A.R.T. Housing*) is retitled as  
16 “*Housing*” and subdivided into two divisions to be captioned as follows:

17 Division 1. General Provisions.

18 Division 2. S.M.A.R.T. Housing.

19 with Section 25-1-701 (*Definitions*) placed under Division 1 (*General Provisions*) and  
20 Sections 25-1-702 (*Administration*), 25-1-702 (*Program Requirements*), Section 25-1-  
21 704 (*Fee Waivers*), and Section 25-1-705 (*Required Affordability Period*) placed into  
22 Division 2 (*S.M.A.R.T. Housing*).

23  
24 **PART 3.** City Code Section 25-1-701 (*Definitions*) is amended to add the following new  
25 definitions of “Mobile Home Park,” “Multi-Family Redevelopment,” “Tenant,” and  
26 “Tenant Displacement” and to renumber the remaining definitions accordingly:

- 27 (4) MOBILE HOME PARK means a site containing five or more structures that:
- 28 (a) are transportable in one or more sections;
- 29 (b) in travelling mode, are at least 8 feet in width or 40 feet in length or,  
30 when erected onsite, are 320 square feet or more in area;
- 31 (c) are built on a permanent chassis and designed to be used as a dwelling,  
32 with or without a permanent foundation; and

- (d) includes plumbing, heating, air-conditioning, and electrical systems; or
- (e) satisfies all criteria other than the size requirements in Paragraph (4)(b).

(6) **MULTI-FAMILY REDEVELOPMENT** means the demolition or redevelopment of an existing multi-family building or mobile home park that is reasonably likely to result in tenant displacement.

(7) **TENANT** means any person who occupies a residential unit primarily for living or dwelling purposes under a rental agreement or lease, including those persons who are considered to be tenants under Section 92.001 or 94.001 of the Texas Property Code. For purposes of this article, “tenant” does not include owner of a dwelling unit, or mobile home lot, or members of the owner’s immediate family.

(8) **TENANT DISPLACEMENT** means any condition that requires a tenant to vacate a multi-family building or mobile home park due to multi-family redevelopment, where a tenant will not be relocated to another unit within the same building or site.

**PART 4.** City Code Chapter 25-1 (*General Provisions*) is amended to add a new Division 3 to read:

**Division 3. Tenant Notification and Relocation.**

**§ 25-1-711 EXEMPTIONS.**

Except where otherwise provided, the requirements of this division do not apply to any dwelling unit:

- (1) demolished or vacated because of damage caused by the tenant or by other events beyond the owner’s control, including fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;
- (2) owned by a public housing agency;
- (3) located inside the boundaries of an educational institution that is occupied by students, faculty, or staff of the institution;
- (4) for which relocation assistance is required to be paid to the tenants under federal or state law; or

- 1 (5) that is operated as emergency or temporary shelter for homeless persons and  
2 owned or administered by a nonprofit organization or public agency.  
3

4 **§ 25-1-712 TENANT NOTIFICATION REQUIRED.**

5 (A) The requirements of this section apply to an application to:

- 6 (1) demolish or partially demolish a multi-family building consisting of five  
7 or more occupied residential units, including a demolition permit or a  
8 building permit that authorizes demolition;
- 9 (2) approve a site plan or change of use permit for an existing mobile home  
10 park; or
- 11 (3) rezone a property within the Mobile Home Residence (MH) District  
12 designation that contains an existing mobile home park.

13 (B) An applicant must provide tenant notification either prior to, or concurrent with,  
14 submittal of a development application in accordance with the timelines  
15 established under this subsection.

16 (1) To demonstrate that required notification was provided prior to submittal  
17 of an application, the applicant must include a certified statement, on a  
18 form approved by the director, confirming that all tenants of the structure  
19 or site received notification required under this section at least:

- 20 (a) 120 days prior to the date application was submitted; or  
21 (b) for a mobile home park, at least 270 days prior to the date the  
22 application was submitted.

23 (2) If notification is provided at the time a development application is  
24 submitted, the application may be approved no earlier than:

- 25 (a) 120 days after all tenants of the structure or site received  
26 notification required under this section; or  
27 (b) for a mobile home park, 270 days after all tenants of the site  
28 received notification required under this section.

29 (C) The notification required by this section must be on a form approved by the  
30 director and must:

- 1 (1) be delivered to all tenants of a multi-family building or mobile home park  
2 for which notice is required under Subsection (A), by the applicant or the  
3 applicant's representative or by registered or certified mail, with return  
4 receipt requested; and
- 5 (2) include the following information:
- 6 (a) the applicant's name and contact information;
- 7 (b) a description of the development application for which notification  
8 is required under Subsection (A) of this section;
- 9 (c) a statement that the application may be approved on or after the  
10 120<sup>th</sup> or 270<sup>th</sup> day, whichever applies, following receipt of the  
11 notice and may result in displacement of tenants;
- 12 (d) a description of any tenant relocation assistance that may be  
13 available under Section 25-1-713 (*Tenant Relocation Program*) or  
14 Section 25-1-714 (*City Tenant Relocation Fund*), including income  
15 eligibility requirements and forms for requesting assistance;
- 16 (e) information regarding applicable school district policies relating to  
17 district residency requirements;
- 18 (f) information regarding the availability of fee waivers from Austin  
19 Energy for obtaining utility service at a new residence where  
20 relocation is required due to displacement; and
- 21 (g) other information as may be required by the director, including  
22 programs and services to assist displaced tenants.  
23

24 **§ 25-1-713 ADDITIONAL NOTICE REQUIREMENTS.**

- 25 (A) At the time that notification is provided under Section 25-1-712 (*Tenant*  
26 *Notification Required*), the owner or operator of a multi-family building or  
27 mobile home park must post one or more signs in accordance with this section.
- 28 (B) The sign must be on a form approved by the director and must:
- 29 (1) describe the application for which notification is required under Section  
30 25-1-712 (*Tenant Notification*) and state that any new or existing tenants

1 may be required to relocate from the property as a result of proposed  
2 demolition or redevelopment; and

3 (2) to the greatest extent feasible:

4 (a) for a mobile home park, be posted at the main entrance in a  
5 location visible to the public from the adjacent public right-of-way  
6 or private drive; or

7 (b) for a multi-family building, be posted at the front of the leasing  
8 office or other primary building entrance as determined by the  
9 director.

10 (C) A sign required to be posted under this section must remain on the property  
11 until:

12 (1) for a multi-family building, the date that demolition is approved to begin;  
13 and

14 (2) for a mobile home park, the earlier of:

15 (a) the date that the property ceases to be used as a mobile home park;  
16 or

17 (b) if applicable, the date that the site plan approval or change of use  
18 permit expires.

19  
20 **§ 25-1-714 TENANT RELOCATION PROGRAM.**

21 (A) The director shall adopt a tenant relocation program by administrative rule for  
22 the purpose of mitigating the impacts of tenant displacement resulting from  
23 multi-family redevelopment within the City of Austin.

24 (B) The tenant relocation program must, at a minimum, include each of the  
25 elements described in this subsection.

26 (1) ***Tenant Relocation Fee.*** The program must include a methodology to be  
27 used by the director in recommending to the city council the amount of  
28 the fee required under Section 25-1-715 (*Tenant Relocation Assistance—*  
29 *Developer Funded*). The methodology shall include a nexus study that  
30 accounts for the impacts of displacement to tenant communities directly  
31 affected by multifamily redevelopment and to the community as a whole.

1           **(2) Eligibility for Tenant Relocation Assistance.** The program shall  
2 establish eligibility requirements that a tenant must meet in order to  
3 receive tenant relocation assistance under Section 25-1-715 (*Tenant*  
4 *Relocation Assistance—Developer Funded*) or Section 25-1-716 (*Tenant*  
5 *Relocation Assistance—City Funded*). At a minimum, the eligibility  
6 requirements must:

7           (a) require that a tenant:

8                   (i) have a household income at or below 70% of median family  
9 income or, for residents of a mobile home park, 80% of median  
10 family income;

11                   (ii) reside at the property under the terms of a lease on the date  
12 notice required under Section 25-1-712 (*Tenant Relocation*  
13 *Notification*) is issued; and

14                   (iii) submit a claim form documenting income eligibility no later  
15 than the deadline established by the director; and

16           (b) prohibit participation by tenants of multi-family redevelopment  
17 that is exempt from this division under Section 25-1-711  
18 (*Exemptions*), except that the director may allow use of funds  
19 under Section 25-1-715 (*Tenant Relocation Assistance—City*  
20 *Funded*) to provide relocation assistance for tenant displacement  
21 resulting from fire, civil commotion, malicious mischief,  
22 vandalism, natural disaster, or other destruction beyond the control  
23 of the owner or tenant.

24           **(3) Use of Tenant Relocation Assistance.** The program must specify the  
25 types of expenses for which tenant relocation assistance may be  
26 provided. Eligible expenses paid using funds collected under Section 25-  
27 1-715 (*Tenant Relocation Assistance—Developer Funded*) must be  
28 reasonably attributable to tenant displacement based on the nexus study  
29 required under Paragraph (C)(1).

30           **(4) Refund Procedures.** The program shall establish procedures by which  
31 an applicant who paid a tenant relocation fee under Section 25-1-715  
32 (*Tenant Relocation Assistance—Developer Funded*) may request a refund  
33 of any fees not spent for an authorized purpose within five years after

1 approval of an application for which notification is required under  
2 Section 25-1-712 (*Tenant Notification Required*).

- 3 (C) The director may include additional elements in the tenant relocation program,  
4 including but not limited notification forms and other documents required under  
5 Section 25-1-712 (*Tenant Notification Required*) and Section 25-1-713  
6 (*Additional Notice Requirements*).  
7

8 **§ 25-1-715 TENANT RELOCATION ASSISTANCE—DEVELOPER FUNDED.**

- 9 (A) An applicant for a multi-family redevelopment must pay a tenant relocation fee  
10 established by separate ordinance if payment of tenant relocation assistance is:

- 11 (1) required by another provision of this title; or  
12 (2) provided as a voluntary condition to a rezone or other discretionary land  
13 use approval required for multi-family redevelopment.

- 14 (B) The director shall deposit a fee imposed under this section into the Developer  
15 Fund for Tenant Relocation Assistance, which is established under this section.  
16 The director shall use the fund to provide tenant relocation assistance consistent  
17 with requirements adopted under Section 25-1-714(B) (*Tenant Relocation*  
18 *Program*).  
19

20 **§ 25-1-716 TENANT RELOCATION ASSISTANCE—CITY FUNDED.**

- 21 (A) The City of Austin Tenant Relocation Fund is established for use in providing  
22 relocation assistance to tenants displaced by multi-family redevelopment.

- 23 (B) The director shall administer the fund consistently with guidelines established  
24 under Section 25-1-714 (*Tenant Relocation Program*) and may use the fund to  
25 provide relocation assistance to any tenant displaced due to:

- 26 (1) development activity for which notification was required under Section  
27 25-1-712 (*Tenant Relocation Required*), whether or not the applicant was  
28 required to pay a fee under Section 25-1-715 (*Tenant Relocation*  
29 *Assistance—Developer Funded*);  
30 (2) emergency orders to vacate based on health and safety concerns;  
31 (3) fire, civil commotion, malicious mischief, vandalism, natural disaster, or  
32 other destruction beyond the control of the owner or tenant; or

1 (4) major repairs or renovations of multifamily buildings.

2  
3 **PART 5.** City Code Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit*  
4 *Developments*) is amended to amend Section 2.3.2 (*Additional Requirements*) to read:

5 **2.3.2. Additional Requirements.**

6 In addition to the requirements contained in Section 2.3.1 (*Minimum Requirements*), a  
7 PUD containing a retail, commercial, or mixed use development must:

- 8 A. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use)[-];
- 9 B. inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter  
10 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in  
11 Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks  
12 And Building Placement);
- 13 C. pay the tenant relocation fee established under Section 25-1-715 (*Tenant*  
14 *Relocation Assistance—Developer Funded*), if approval of the PUD would allow  
15 multi-family redevelopment that may result in tenant displacement; and
- 16 D.[E-] contain pedestrian-oriented uses as defined in Section 25-2-691(C)  
17 (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial  
18 or mixed use building.

19  
20 **PART 6.** City Code Section 25-1-82 (*Application Requirements and Expiration*) is  
21 amended to add a new Subsection (D) to read:

- 22 (D) In establishing application deadlines under Subsection (A) of this section, the  
23 director shall provide that no application for which notice is required under  
24 Section 25-1-712 (*Tenant Notification Required*) may be approved or posted for  
25 public hearing until after the required notification period.

26  
27 **PART 7.** Subsection (A) of City Code Section 25-2-282 (*Land Use Commission*  
28 *Hearing and Recommendation*) is amended to read:

- 29 (A) The Land Use Commission shall hold a public hearing on a zoning or rezoning  
30 application not later than the 60th day after the date the application is filed,  
31 except that a hearing for an application for which notification to existing tenants  
32 is required under Section 25-1-712 (*Tenant Notification Required*) may not be  
33 held until 230 days after the notice is provided. The director of the

1 [Neighborhood] Planning and Zoning Department shall give notice under  
2 Section 25-1-132(A) (*Notice of Public Hearing*) of the public hearing. If the  
3 application includes property located within the Waterfront Overlay (WO)  
4 combining district, the director shall request a recommendation from the Small  
5 Area Planning Joint Committee of the Planning Commission and the Zoning  
6 and Platting Commission to be considered by the Land Use Commission at the  
7 public hearing. If the Board fails to make a recommendation as required under  
8 Section 25-2-715 (*Review and Recommendation of the Small Area Planning*  
9 *Joint Committee of the Planning Commission and the Zoning and Platting*  
10 *Commission*), the Land Use Commission or accountable official may act on the  
11 application without a recommendation from the Board.

12  
13 **PART 8.** Subsection (A) of City Code Section 25-5-43 (*Approval Date*) is amended to  
14 read:

15 (A) The director may release a site plan after:

- 16 (1) the site plan is approved;
- 17 (2) the applicant posts the required fiscal security with the director; ~~and~~
- 18 (3) the time period for filing an appeal of the approval expires, or each  
19 interested party signs and submits to the director a written waiver of the  
20 right to appeal[-]; and
- 21 (4) if applicable, tenant notification has been provided for the period  
22 required under Section 25-1-712 (*Tenant Notification Required*).

23  
24 **PART 9.** Subsection (B) of City Code Section 25-1-89 (*Tolling of Application Period*) is  
25 amended to read:

26 (B) A deadline established by the director under Section 25-1-82 (*Application*  
27 *Requirements and Expiration*) for obtaining approval of an application is tolled  
28 if, prior to expiration of the application, the director determines that:

- 29 (1) approval of the application requires:
- 30 (a) discretionary review, as authorized under this title, by the Land  
31 Use Commission, Board of Adjustment, or city council, other than  
32 a zoning change or code amendment; and

1 (b) [~~2~~] the application meets all other requirements for approval,  
2 except for payment of fees, posting fiscal surety, and other code  
3 requirements as determined by the director under Section 25-1-82  
4 (*Application Requirements and Expiration*); or

5 (2) the applicant has provided a 120 or 270-day notification to tenants of a  
6 multi-family building or mobile home park, as required by Section 25-1-  
7 712 (*Tenant Notification Required*).  
8

9 **PART 10.** This ordinance take effect on \_\_\_\_\_, 2016.

10  
11 **PASSED AND APPROVED**

12  
13 §  
14 §  
15 \_\_\_\_\_, 2016 § \_\_\_\_\_  
16 Steve Adler  
17 Mayor  
18

19  
20 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
21 Anne L. Morgan Jannette S. Goodall  
22 City Attorney City Clerk  
23  
24  
25



**COMMUNITY DEVELOPMENT COMMISSION  
RECOMMENDATION 20160712-05c**

**Date:** July 13, 2016

**Subject:** Tenant Relocation Assistance Ordinance

**Motioned By:** Commissioner Karen Paup

**Seconded By:** Commissioner Fred McGhee

**Recommendation:** See the recommendation below from the Community Development Commission (CDC) concerning the Draft Tenant Relocation Assistance Ordinance.

The CDC recommends that City Council review the attached recommendations by Heather Way, dated July 12, 2016, entitled, "City of Austin's Proposed Tenant Relocation Assistance Ordinance, Outline of Issues and Suggested Changes, Second Draft of Ordinance," and incorporate the changes recommended in that document, where appropriate, into the Draft Tenant Relocation Assistance Ordinance.

**Date of Approval:** July 12, 2016

**Record of the Vote:** Approved on a 10-0 vote. Those members voting aye were Chair Rivera, Vice Chair Deshotel, and Commissioners Fadelu, McGhee, McHorse, Paup, Singer, Taylor, Villalobos, and Zamora.

**Attest:** *[CDC Chair, Gilbert Rivera]*

# TENANT RELOCATION ASSISTANCE

---

City of Austin Planning Commission

June 28, 2016

# Overview

- Background and Council Resolutions
- Proposed Requirements under Draft Ordinance
- Overview of Programmatic Guidelines
- Cost Estimates

# Council Resolutions

- Resolutions 20151112-027 and 20160421-035 initiated amendments to the Land Development Code to establish relocation assistance requirements for applicants of developments with the intent to demolish and/or renovate multi-family structures or mobile home parks that will result in the displacement of tenants
  - Consider temporary and emergency relocation standards as well
- Stakeholder feedback process conducted to identify community needs and ensure the ordinance that is ultimately drafted is responsive to them
- The goal is to mitigate the negative impacts of displacement on the most vulnerable residents

# Overview of Ordinance Recommendations

- Applies to multifamily and mobile home park redevelopment
- Notification requirement
- City fund available to help cover relocation costs for income-eligible tenants
- Private developers/property owners may pay into the fund in certain circumstances

# Applicability

- Amends Chapter 25-1, Article 15, adding a new division for Tenant Notification and Relocation
- Requirements apply to:
  - Applications to demolish or partially demolish a multifamily building consisting of 5 or more residential units
  - Applications for site plan approval or change of use permit for mobile home parks
  - Rezoning of property within a Mobile Home Residence (MH) district designation

## Notification

- Applicant (or representative) must deliver notices of the owner's intent to demolish or redevelop the property to all tenants in person or via registered or certified mail
- Notices will include information on development application, available relocation assistance, and other relevant policies and programs that can help tenants
- Applications may be approved no earlier than 120 days after all multifamily building tenants receive notification or 270 days after all mobile home park tenants receive notification
- Notices will be posted on the property during the notification period to ensure any new tenants are aware of the redevelopment. New tenants will not be eligible for relocation assistance.

## Relocation and Moving Assistance

- Establishes a tenant relocation assistance program to be administered by Neighborhood Housing & Community Development
- For displacements due to by-right development or where discretionary approval is not required, tenants may apply to a City-funded relocation fund for financial assistance

## Developer/Property Owner Payments

- Compliance with the tenant relocation assistance program would become a Tier I requirement for Planned Unit Developments within the City's zoning jurisdiction that would displace tenants
- May be agreed to by applicant when:
  - tenant displacement occurs due to rezone or change of use, as discussed previously, or
  - upon agreement by applicant for a discretionary land use approval for a redevelopment likely to cause displacement.
- Fees would be paid into a relocation fund to provide assistance to tenants displaced by the project. The fee would be established by separate ordinance, pending the findings of an impact study.

## Timing of Application Review

- Provisions to prohibit approval of applications prior to the required tenant notification period
- Tolling (“stop the clock”) mechanism where notification was not provided prior to submittal of application

# Programmatic Guidelines

- Neighborhood Housing will adopt guidelines to implement the tenant relocation assistance program, including:
  - A methodology to set an amount for tenant relocation fees, taking into account the results of an impact study to determine direct costs to tenants and indirect costs to the community due to displacement
  - Eligibility requirements for tenants – income-eligibility of 70% area median family income (MFI) for multifamily building tenants and 80% MFI for mobile home park tenants
  - Eligible expenses for which relocation assistance may be provided (including security deposits, application fees & deposits, moving trucks and supplies)
  - Refund procedures for unspent funds contributed by a private developer/property owner

# Potential Costs of Program

The following activities represent potential costs to implement the recommendations:

- Relocation and moving assistance for low-income tenants
- Impact study
- Contracting with a third-party relocation agency to provide housing location assistance and other services
- Program administration at the City
- Changes to AMANDA system to flag and track developments that may displace tenants

# Questions/Discussion

<http://austintexas.gov/page/tenant-relocation-assistance>

Lauren Avioli, Planner III

City of Austin

Neighborhood Housing and Community Development

(512) 974-3141

[lauren.avioli@austintexas.gov](mailto:lauren.avioli@austintexas.gov)

**RESOLUTION NO. 20151112-027**

**WHEREAS**, recent development trends in Austin, including the demolition and redevelopment of multi-family properties, have resulted in the displacement of tenants; and

**WHEREAS**, displaced tenants are confronted with the financial burden and unanticipated cost of relocation; and

**WHEREAS**, the destabilizing repercussions of displacement affect many of the most vulnerable members of our community, including low-income families and individuals, families with school-aged children, residents over the age of 65, residents with fixed incomes, and residents with disabilities or limited mobility; and

**WHEREAS**, on multiple occasions, Council has found it to be in the public interest to approve zoning change cases that have included agreements by applicants to provide relocation assistance to displaced tenants; and

**WHEREAS**, there is no uniform ordinance or existing standard mechanism addressing this public interest need; and

**WHEREAS**, Council Resolution 20121108-059 directed the City Manager to work with the Community Development Commission and stakeholders to develop recommendations regarding relocation standards and to identify the feasibility of and mechanisms for implementing these standards in zoning and demolition permit applications; and

**WHEREAS**, from February to May of 2013, City staff conducted seven public and commission input gathering sessions including presentations before the Housing Committee of the Community Development Commission and the Codes and Ordinances Committee of the Planning Commission; and

**WHEREAS**, on May 20, 2013 the Neighborhood Housing and Community Development Department, with assistance from the Law Department, presented a memorandum to Council with tenant relocation policy recommendations incorporating feedback from stakeholders and research from the Community Development Clinic at the University of Texas at Austin School of Law; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates amendments to the Land Development Code (*Title 25*) to establish tenant relocation assistance requirements for applicants of developments with the intent to demolish and/or renovate multi-family structures that will result in displacement of tenants. The City Manager is directed to prepare a draft ordinance consistent with this initiation and to consider including the following provisions, in addition to any other provisions deemed appropriate:

- Requiring applicants to provide notice to tenants of the final move-out date at least six months in advance.
- Requiring applicants to allow flexible move-out dates to tenants within the six months after the final move-out date notice is given.
- Requiring applicants to provide relocation and moving stipends to eligible, qualified tenants.
  - Determining the eligibility and qualification of tenants as well as the level of assistance required shall be based on tenant household income and consideration of specific special needs such as age and disabilities.
- Requiring applicants to refund full security deposits to tenant

households where no developer-owned property is missing upon move-out.

- Requiring a reasonable waiting period between the issuance of a demolition permit and the execution of the demolition by the applicant.
- Requiring applicants to provide displaced tenants resources and access to realtors or other qualified individuals to assist with navigating the relocation process.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to explore the viability of including the following:

- Requirements for temporary relocations, including tenant relocation assistance requirements specifically for tenants who are displaced because of repair or rehabilitation of their rental unit by the landlord to bring the unit into compliance with code, and the tenants are expected to be able to reoccupy the unit.
- Requirements for emergency relocations, including tenant relocation assistance requirements specifically for tenants who are displaced from their rental units as a result of a city or court order to vacate the unit or where vacation is required to enable compliance with a notice of code violation from the city because of imminent potential harm to the health and safety of tenants.

**BE IT FURTHER RESOLVED:**

In addition to the legally required public hearing before the Planning Commission, the City Manager is directed to hold two public meetings to solicit

input regarding the code amendments which shall include affected tenants and their advocates and representatives from the development community, including stakeholders from, but not limited to, the Austin Apartment Association, the Board of Realtors, and the Austin Tenants' Council.

**BE IT FURTHER RESOLVED:**

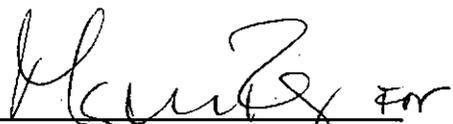
The City Manager is directed to present an ordinance incorporating national best practices and consistent with this resolution to the Council's Housing and Community Development Committee for consideration not later than 120 days after adoption of this resolution.

**BE IT FURTHER RESOLVED:**

After completing the stakeholder input gathering process, the City Manager is directed to provide information detailing any additional resources and administrative support needed to implement a tenant relocation assistance program in accordance with this resolution and a mechanism for enforcing its standards not later than 180 days after adoption of this resolution.

**ADOPTED:** November 12, 2015

**ATTEST:**

  
\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

**RESOLUTION NO. 20160421-035**

**WHEREAS**, Resolution No. 20151112-027 was approved by Council on November 12, 2015 in which the City Council initiated a Tenant Relocation Program for displaced renters who reside in multi-family structures; and

**WHEREAS**, displaced mobile home tenants experience financial and emotional costs that are similar to those of displaced tenants of multi-family structures; and

**WHEREAS**, mobile homeowners experience an extreme burden when they are displaced from their homes due to the fact that mobile homeowners own or partially own their homes, but not the land beneath them, which makes mobile homeowners among our community's most vulnerable when they experience displacement; and

**WHEREAS**, on April 13, 2016, the Housing and Community Development Committee, with a vote of 3-1, voted to recommend to the City Council that Council direct the City Manager to include mobile homes in the proposed Tenant Relocation Ordinance initiated by Resolution No. 20151112-027 and provide other recommendations for addressing the displacement of mobile home residents;

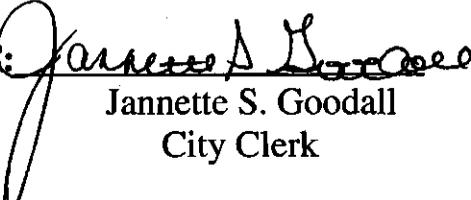
**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Council directs the City Manager to include mobile homes in developing a Tenant Relocation Ordinance, as initiated by Resolution No. 20151112-027, and provide recommendations that address the displacement of mobile home residents.

**ADOPTED:** April 21, 2016

**ATTEST:**

  
Jannette S. Goodall  
City Clerk